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October 26, 2020

VIA ECF

Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Carl Andrews*
19 Cr. 131 (PAE)

Dear Judge Engelmayer:

I write pursuant to the Court's direction to separate the issues raised in counsel's October 25th letter. This letter sets forth the topics that the Court identified should be filed on the public docket because those topics have been publicly discussed and do not implicate defense strategy. A separate letter raising defense funding and personnel issues has been submitted *ex parte*.

Additional Counsel

Counsel has discussed this case with attorney Jacqueline Cistaro, who is willing to come on board for, among other purposes, meeting with Mr. Andrews on a regular basis at the MCC, for the purpose of reviewing discovery and related materials. Ms. Cistaro was a member of the SDNY's Mentorship Program, and, having completed her term, Ms. Cistaro has applied to the CJA Panel and is awaiting a determination. Since Ms. Cistaro is no longer in the mentoring program, but not yet on the CJA panel, we propose that she be appointed to act as associate counsel and be reimbursed for her time at the rate of \$100/hour. We anticipate that Ms. Cistaro will meet with Mr. Andrews twice per week for three hours. Accordingly, the anticipated cost of her assistance should be approximately \$7,200.00, without travel time, from November 2020 through January 2020. We will not incur any further expenditures in this regard, without a further order of the Court. Ms. Cistaro's CV is attached for your Honor's review as Exhibit A.

Photocopying Documents to be Provided to Mr. Andrews

Following our last status conference, counsel consulted with Alan Nelson, in his capacity as CJA Case Budget Attorney. Mr. Nelson strongly advised that counsel comparison shop, given the potential cost of such an expenditure. We have, therefore, reached out to several copy shops and the most competitive price for the initial two banker boxes that the MCC has agreed to permit Mr. Andrews to possess, as one time, is \$875.00, plus the cost of local delivery. (The vendor, Big Apple Copying, is located at

115 Broadway, which is convenient to the Court.) With your Honor's permission we are ready to email the first tranche of materials to Big Apple.¹

Screen Sharing & Telephone Conferences

During our last conference, your Honor inquired about our ability to share our computer screen with Mr. Andrews. To be clear, during our in-person meetings with Mr. Andrews at the courthouse, in the USM's cell block, we are unable to share materials because of the heavy mesh screen that separates us from our client; however, we are able to screen share during video conferences with Mr. Andrews, while he is at the MCC. Accordingly, it is our plan to schedule alternating visits, in addition to Ms. Cistaro's in-person visits at the MCC.

As always, your Honor's assistance with these matters is greatly appreciated.

Respectfully submitted,

/s/

Susan G. Kellman


Ezra Spilke

cc: All counsel
Carl Andrews

GRANTED. The Clerk of Court is requested to terminate the motion at Dkt. No. 544.

11/13/2020

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

¹ Since our conference last week, it seems appropriate to update your Honor and government counsel regarding the authorization of two additional laptop computers in the EDNY. In *U.S. v. Zhukov*, 18 Cr. 633 (EK) *U.S. v. Narzikukov* 19 Cr. 223 (ILG). In *Zhukov*, the case before Judge Komitee, without a specific order by the Court as to the details of the laptop delivery, the government purchased a laptop for Mr. Zhukov, disabled its internet capabilities, loaded the discovery and hand delivered the laptop to Mr. Zhukov, all within 48 hours of the Court's more general laptop order. Attached as Exhibit B, is government counsel's letter outlining the terms under which the BOP, per Ms. McFarland, will permit the use of a laptop by an inmate.